

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:11CR3110
)	
v.)	
)	MEMORANDUM AND ORDER
DARRON V. BEARD, KENNETH A.)	
JONES,)	
)	
Defendants.)	

Defendant Beard has moved for a 60-day continuance of his trial which is currently set to begin on December 19, 2011. Filing No. 38. Defendant Beard's counsel explains that additional time is needed to meet with the defendant, review the evidence, and determine if this case should be resolved by a guilty plea or by trial. The government does not oppose defendant Beard's motion. The court finds the motion should be granted.

Accordingly,

IT IS ORDERED:

- 1) Defendant Beard's motion to continue, (filing no. 38), is granted.
- 2) As to both defendants, the trial of this case is set to commence before the Honorable Richard G. Kopf at 9:00 a.m. on February 27, 2012, or as soon thereafter as the case may be called, for a duration of five (5) trial days, in the United States Courthouse, Lincoln, Nebraska. Jury selection will be held at commencement of trial.
- 2) Based upon the representations of defendant Beard's counsel, the Court further finds the ends of justice served by continuing the trial of this case outweigh the interest of the defendants and the public in a speedy trial. Accordingly, as to both defendants, the time between today's date and February 27, 2012 shall be excluded for speedy trial calculation purposes. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7); U.S. v. Arrellano-Garcia, 471 F.3d 897, 900 (8th Cir. 2006).

December 7, 2011,

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge